

A. G. Contract No. KR-89-1332-TRD
ECS File: JPA-89-38
Project: RAM 600-5-307
Tracs: H 0860 01D
Section: L 202 & Priest Bridge

AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE COUNTY OF MARICOPA

Secretary of State Filing No. 13992

THIS AGREEMENT is entered into September 6, 1989,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
COUNTY OF MARICOPA, acting by and through its Board of
Supervisors (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The County is empowered by Arizona Revised Statutes
Section 11-251 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the County.

3. Incident to the East Papago Freeway project under
construction, State and County agree to share the cost of
relocating a 36" waterline and the protection of a 48" sanitary
sewer. These utilities are owned by the City of Tempe and lie
in the existing right of way of Priest Drive. This work will
allow the State to construct the Salt River Channel and allow

NO. <u>13992</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>9-6-89</u>
<u>Jim Shumway</u> Secretary of State
By <u>B. Vermillion</u>

the County to construct the Priest Drive Bridge over the Salt River without conflict. County has agreed to bear actual cost for design and construction of their portion of the utility relocation designated as follows:

Priest Drive Station 0+00 to 15 + 00.

4. State and County shall equally share in the actual cost of design and construction for the detouring of Priest Drive. The detour will benefit both the State's and the County's project by routing traffic away from a congested construction area. This work and the work identified in Recital I paragraph 3, will be done as part of the State's project to construct the Salt River Channel.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. State will:

a. Design and construct the utility modifications and the Priest Drive detour.

b. Submit to County a bill for the actual design and construction costs for their portion designated, upon completion of this portion of the project.

2. County will:

a. Review and approve plans for the utilities.

b. Obtain written approval of the utility plans from the City of Tempe.

c. Remit payment to the State within 30 days after receipt of billing, for actual cost of design and construction, (estimated at \$600,000.00) as designated in Recital I, Paragraphs 3 and 4.

d. Bear all contractor claims for extra compensation attributed by State to County.

3. State and County will:

a. Share equally in the cost for maintenance and repair of the detour, during the life of the State's contract or until the detour is removed, which ever comes first.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of this State's project.
2. This agreement shall become effective upon filing with the Secretary of State.
3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.
4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.
5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).
6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

Maricopa County
County Engineer
3325 West Durango Street
Phoenix, AZ 85009


7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

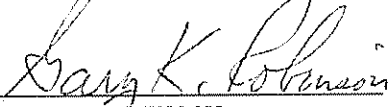
IN WITNESS WHEREOF, the parties have executed this agreement
the day and year first above written.

COUNTY OF MARICOPA

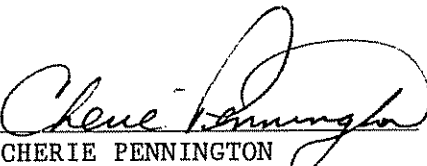
STATE OF ARIZONA

Department of Transportation

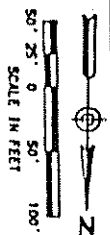
By 
FRED KOORY, JR.
Chairman of the Board
of Supervisors
AUG 14 1989

By 
GARY K. ROBINSON
Chief Deputy State Engineer

ATTEST:

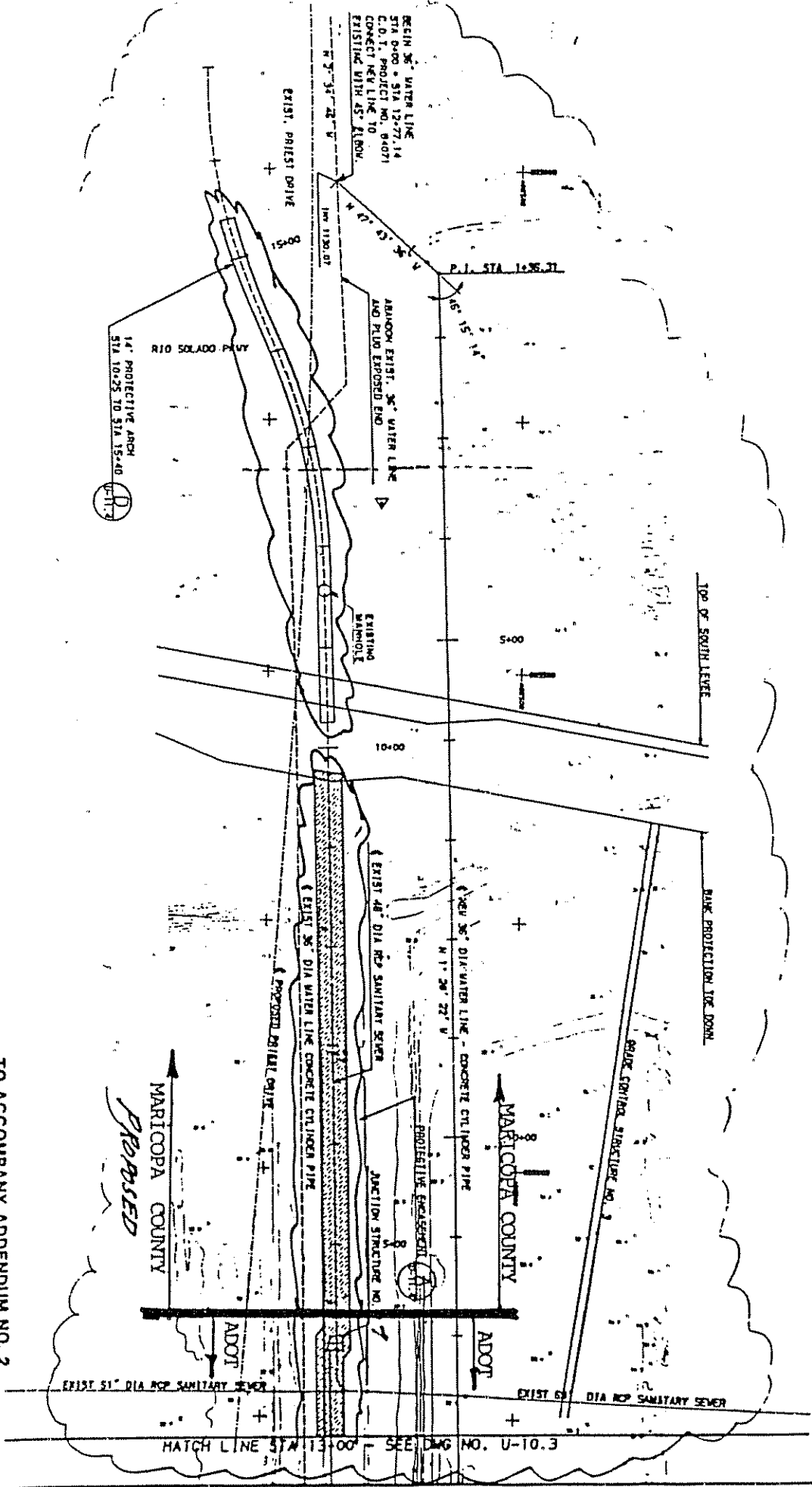

CHERIE PENNINGTON
Clerk of the Board

1947j
21JUN



- NOTES:
 1. SEE DWG NO. U-10.2 FOR PROFILE.
 2. SEE DWG NO. CH-1.2 FOR UTILITY RECOVERIES AND SURVEY DATA.

DATE	BY	CHECKED BY	DATE	APPROVED BY
01/12/00	WJZ	01/12/00	WJZ	01/12/00

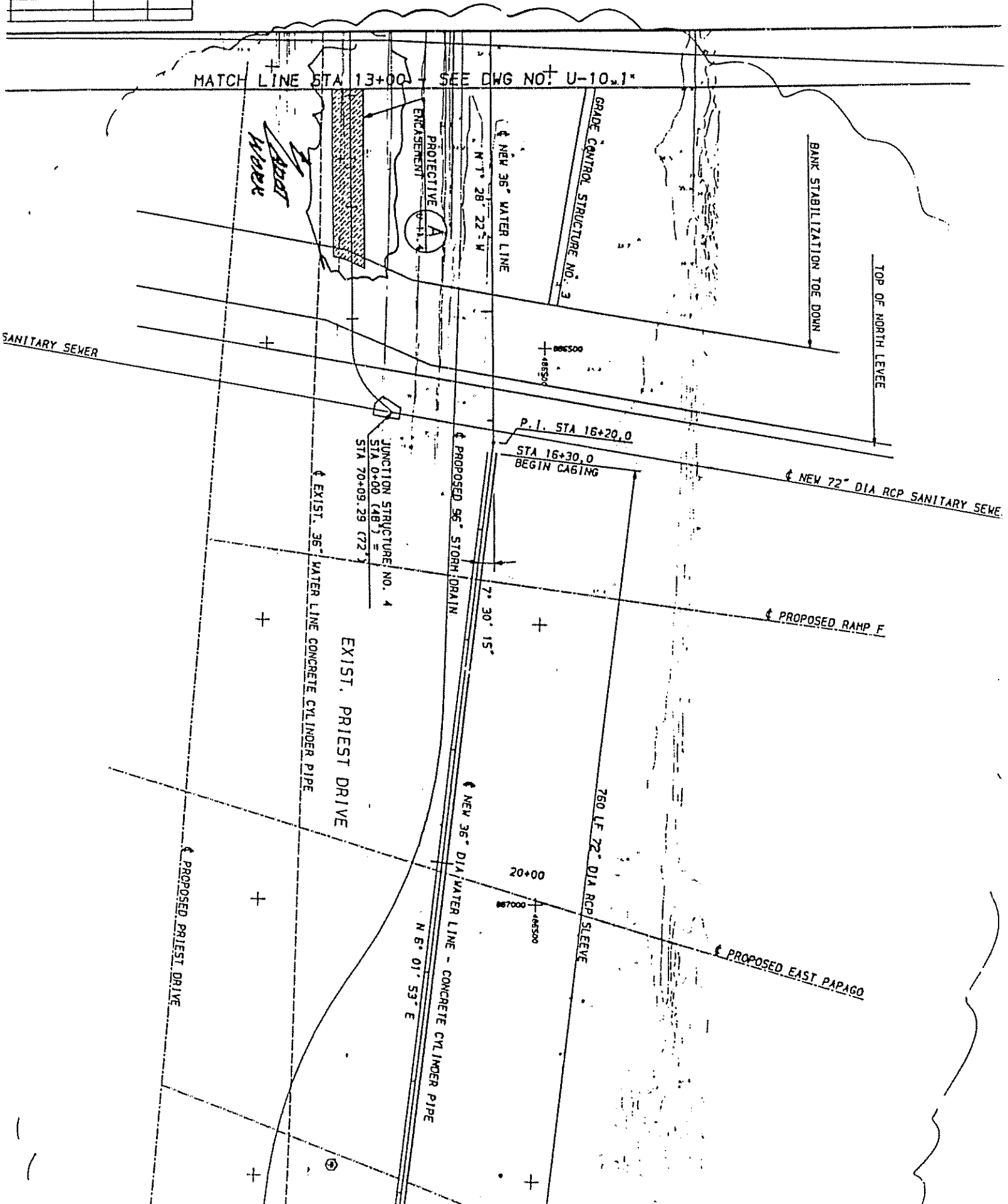


MARICOPA COUNTY
PREPARED

TO ACCOMPANY ADDENDUM NO. 2

DATE	BY	DATE	BY
01/12/00	WJZ	01/12/00	WJZ
PROJECT: 36" WATER LINE - PRIEST DRIVE FROM STA 0+00 TO STA 13+00 MARICOPA COUNTY, ARIZONA			
DRAWN BY: WJZ CHECKED BY: WJZ APPROVED BY: WJZ			

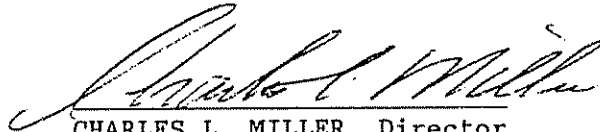
DATE	5-89
BY	
CHECKED	
APPROVED	



RESOLUTION

BE IT RESOLVED on this 14th day of March 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Maricopa County Highway Department for the purpose of design and construction of a new bridge over East Papago Freeway (Loop 202) at Priest.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.

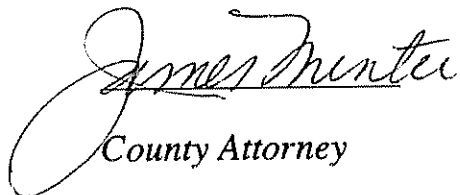
A handwritten signature in cursive script, reading "Charles L. Miller", written in dark ink.

CHARLES L. MILLER, Director
Arizona Department of
Transportation

APPROVAL OF THE COUNTY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the COUNTY OF MARICOPA and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 25 day of July, 1989.


County Attorney

MARICOPA COUNTY BOARD OF SUPERVISOR
AGENDA INFORMATION FORM

Contract/Lease for NEW ☐ RENEWAL ☐ AMENDMENT ☐ CANCELLATION ☐
(for existing record Encumbrance No. below)

LOW ORG. NO. 6420 DEPARTMENT: Highway/Engineering CONTROL NUMBER: HD 662-88

ENCUMBRANCE NO. _____ AGENCY: Public Works CONTROL NUMBER: PW 662-88

1. BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:

It is recommended by the County Engineer that the Board of Supervisors approve an intergovernmental agreement with the Arizona Department of Transportation (ADOT), which provides for the County constructing a bridge over the east Papago Freeway as a part of Priest Drive Bridge, Project No. 68456, which is a bond issue project (Bond Ballot No. 7). Upon completion of construction, the bridge will be accepted into the State system and shall be maintained by ADOT.

Upon approval by the Board of Supervisors, please return the original executed documents to Mr. Eric Hoffman, Real Estate Services Manager, Highway Department.

Please return an executed copy to
the Clerk of the Board of Supervisors.

Compliance with Maricopa County Procurement Code _____
article _____ paragraph _____

2. CONTINUED FROM MEETING OF
DISCUSSED IN MEETING OF

3.

THIS DEPARTMENT WILL CAUSE PUBLICATION
CLERK OF THE BOARD TO CAUSE PUBLICATION

4. MOTION: It is moved that the Maricopa County Board of Supervisors approve and authorize the execution of the intergovernmental agreement with the Arizona Department of Transportation for the construction of a bridge over the east Papago Freeway by Maricopa County as a part of Project No. 68456, which is a bond issue project and for the acceptance of the completed bridge into the State system.

Please return an executed copy to
the Clerk of the Board of Supervisors.

5. FINANCIAL: ☐ Budgeted ☐ Contingency ☐ Budget Amendment ☐ Transfer ☐ Grant or other

\$	Total Cost/Revenue	Fund	Financial Officer	Date

6. PERSONNEL:

Personnel Director Date

7. DEPARTMENT: Highway-6400 JL: km

D. B. L. 5.8.89
Action Recommended by Date

8. MATERIALS MANAGEMENT:

Materials Management Director Date

9. LEGAL Approved as to form and within the powers and authority granted under the laws of the State of Arizona to the Maricopa County Board of Supervisors

[Signature] 5-9-89
Deputy County Attorney Date

10. OTHER:

(Signature) Date

12. BOARD OF SUPERVISORS: Action taken:

☐ Approved ☐ Amended ☐ Disapproved ☐ Deleted

Continued to: _____
(Date and type of meeting)

11. APPROVED FOR AGENDA:

[Signature] 5-9-89
Approving Official Date

13. RECOMMENDATION OF COUNTY MANAGER:

☐ Approve ☐ Disapprove

Comments: _____

County Manager Date

[Signature] JUN 5 1989
Clerk of the Board Date



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR-89-133JTRD is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 29th day of August, 1989.

ROBERT K. CORBIN
Attorney General

James R. Kelpa
Assistant Attorney General
Transportation Division